

**CERCLA 104(e) INFORMATION REQUEST**  
**URGENT LEGAL MATTER: PROMPT REPLY REQUESTED**  
**VIA CERTIFIED MAIL**

Mr. Michael A. Chernekoff  
201 St. Charles Avenue, 50th Floor  
New Orleans, Louisiana, 70170

**Re:** SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana;  
CERCLIS #: LAD008434185; Information Request Pursuant to  
CERCLA Section 104(e), 42 U.S.C. Section 9604(e)

Dear Mr. Chernekoff:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from Michael A. Chernekoff to provide the U.S. Environmental Protection Agency (EPA) with certain information and documents regarding the nature or extent of a release of the hazardous substances, pollutants and/or contaminants at the SBA Shipyard Superfund Site (Site) located in Jennings, Jefferson Davis Parish, Louisiana.

You are receiving this letter because documentation in the EPA's possession indicate that you may have had a business relationship with the owner of the Site.

**This information request is not a determination that you are responsible or potentially responsible for contamination that occurred at the Site.** The EPA is sending you this letter as part of its investigation of the circumstances related to the Site and does not expect you to pay for or perform any site-related activities at this time. Should EPA determine that you are responsible or potentially responsible for response activity at the Site, you will receive a separate letter clearly stating such a determination as well as the basis EPA has for making such a determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require you to respond to this information request (see Enclosure 1). We encourage you to give this matter its full attention, and ***we respectfully request that you respond to this request for information within thirty (30) days of its receipt of this letter.*** You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$37,500.00 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Kelvin Spencer, Enforcement Officer, at the address included in the Information Request. Please refer to the enclosures below, which include important instructions and definitions, as well as the questions for response, in the preparation of your reply to this Information Request.

If you have any questions regarding this letter, contact Mr. Kelvin Spencer at (214) 665-7382. For legal questions concerning this letter, please have your legal counsel contact Ms. I-Jung Chiang, at (214) 665-2160. Thank you for your attention to this matter.

Sincerely yours,

Ben Banipal, P.E.  
Associate Director  
Technical and Enforcement Branch (SF-T)  
Superfund Division

Enclosures: Information Request

## **ENCLOSURE 1**

### **SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA INFORMATION REQUEST**

#### **RESPONSE TO INFORMATION REQUEST**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal “Superfund” law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol “§”) 9604(e) 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site’s history or this information request letter, please contact Mr. Kelvin Spencer, the designated Enforcement Officer for the Site, at phone number (214) 665-7382, fax number (214) 665-6660 or via email at [spencer.kelvin@epa.gov](mailto:spencer.kelvin@epa.gov). Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Kelvin Spencer, Enforcement Officer  
Superfund Enforcement Assessment Section (6SF-TE)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Ms. I-Jung Chiang at phone number (214) 665-2160, fax number (214) 665-6460 or via email at [Chiang.I.Jung@epa.gov](mailto:Chiang.I.Jung@epa.gov). For contact via mail, use the following address:

Ms. I-Jung Chiang, Attorney  
Office of Regional Counsel (6RC-S)  
U.S. EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

#### **BACKGROUND INFORMATION**

The SBA Shipyard Superfund Site (Site) is situated on approximately 98 acres of land located in a rural-industrial area, at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana. The facility is located at the end of State Highway 3166, adjacent to the west bank of the Mermentau River.

SBA Shipyards, Inc., (SBA) was incorporated in the state of Louisiana for the purpose of construction, repair, retrofitting and cleaning of barges. SBA operated a barge cleaning facility at the Site from 1965 to 1993. The facility is now inactive and abandoned.

The Site consists of an abandoned buried barge southeast of the property, adjacent to a wetland and the west bank of the Mermentau River. It is unknown whether the Site was used for industrial purposes prior to 1965. However, documents indicate that a portion of the Site could have possibly been used for grazing and agriculture prior to 1965.

Barges serviced at the Site typically held diesel, coal tar, crude oil, gasoline and asphalt. Wastes from the barge cleaning operations were managed in a waste management area that included four impoundments, a land treatment unit (LTU) and storage tanks. The wastes consisted of petroleum hydrocarbons which are the primary contaminants. The hydrocarbons were separated from the water into surface impoundments that were known as the Oil Pit, Water Pit 1, Water Pit 2 and Water Pit 3. Water was recycled to barge cleaning and some of the water was converted to steam for the cleaning operations.

Numerous attempts were made to bio-remediate and close the impoundments which began in 1989. In 1991 the bio-remediation was determined to be unsuccessful. Land treatment of wastes continued through 1993.

On December 9, 2002, SSIC Remediation, L.L.C., (SSIC) entered into an Order and Agreement for Interim Measures/Removal Action (IM/RA) of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., pursuant to Resource Conservation Recovery Act (RCRA) Section 3008(h). Approximately 33.8 million pounds of oils, waxes and sludges, pumpable oily material and oily tank heels, 70 tons of contaminated debris and 88 tons of recyclable scrap steel were removed from the site.

As part of the IM/RA, the Oil Pit and wastes from the storage tanks were stabilized and solidified for off-site disposal. Approximately 750,000 gallons of uncontaminated pond water were pumped from the former Water Pit to the drainage ditch that drains to the Mermentau River. The emptied Water Pit was then used to receive treated storm water from the partially buried barge. Pumpable oil materials were removed and buried which was then used to store contaminated storm water prior to treatment and discharge to the emptied Water Pit.

In September 2012, the Louisiana Department of Environmental Quality (DEQ) referred the Site to EPA for potential removal/remedial action. On October 23 & 25, 2013, the United States Coast Guard responded to a release from on-site buried barges. In May 2013, EPA conducted a Preliminary Assessment of the site and the final report which is dated June 3, 2013, confirmed the contamination of the site referenced above.

## ENCLOSURE 2

### SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA INFORMATION REQUEST

#### INSTRUCTIONS AND DEFINITIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.
7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, S.C. § 9601 (21).

9. The term "Site" shall mean and include the SBA Shipyard Superfund Site located on the west bank of the Mermentau River at the end of Louisiana Highway 3166 (Castex Landing Road), approximately four miles southeast of Jennings, Jefferson Davis Parish, Louisiana and approximately two miles southwest of the Mermentau River.
10. The term "Respondent" or "you" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, tastes, partner, successors and agents.
11. SBA Shipyard facility (SBA) is situated on approximately 98 acres of land located in a rural-industrial area, at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana. The facility is within Section 19 of Range 2W, Township 10S and is located at the end of State Highway 3166 and adjacent to the west bank of the Mermentau River.). The term "Site" shall mean and located in a rural-industrial area, at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana. The facility was used to construct, repair and clean out barges and other marine vessel during the mid-1960's to the early 1990's. The site is approximately 98-acres of predominately open area. The contamination resulted predominantly from the clean-out of barges conducted by SBA for their customers.
12. The terms "you" or "your" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
13. The term "Site" shall mean and include The SBA Shipyard facility (SBA) is situated on approximately 98 acres of land.
14. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.
16. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

## **ENCLOSURE 3**

### **SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON PARISH, LOUISIANA INFORMATION REQUEST**

#### **QUESTIONS**

##### **General Information Concerning Respondent**

Please state the full legal name and mailing address of the Respondent. In addition, for each person answering these questions on behalf of the Respondent, provide full name, title, business address, and business telephone and facsimile number. Please also provide contact information Please identify (*see* Definitions) and provide copies of all documents (*see* Definitions) consulted, examined, or referred to in the preparation of the answers to the above questions including all subparts of each question, or that contain information responsive to the question. For each document copy produced in response to this request for documents, indicate on the document, or in some other reasonable manner, the question and subpart (*e.g.*, a, b, c, d, e, or f) of the question to which it corresponds.

##### **REQUESTS FOR DOCUMENTS**

Please identify (*see* Definitions) and provide copies of all documents (*see* Definitions) consulted, examined, or referred to in the preparation of the answers to the above questions including all subparts of each question, or that contain information responsive to the question. For each General Information Conceding Respondent

1. Provide the full legal name and mailing address of the Respondent.
2. Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted with in the preparation of the answer.
3. If Respondent wishes to designate an individual for all future correspondence conceding this Site, including legal notices, please provide the individual's name, address, and telephone number.

##### **Specific Information relating to Site Operations**

4. Identify and include a brief description of the nature, and the timeframe(s) of the Respondent's business relationships with SBA Shipyards, Inc.
5. Please provide the following documents and/or information:
  - a. Articles of incorporation of SSIC Remediation, L.L.C.
  - b. Agreement referenced in the articles of incorporation of SSIC Remediation, L.L.C.
  - c. Provide the full legal name and mailing address of the registered agents and officers of SSIC Remediation, L.L.C.
  - d. A list of customers of the Site and/or SBA Shipyards, Inc.
  - e. Copies of any and all documents associated with the Site and/or SBA Shipyards, Inc.